

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
v.)	
)	CRIMINAL NO. 04-10060-RCL
GEORGE SCHUSSEL,)	
Defendant)	
)	

JOINT MOTION TO AMEND BRIEFING SCHEDULE

Now comes the defendant, George Schussel, by and through his counsel, Martin G. Weinberg and Francis J. DiMento, and the United States, by and through its counsel, Assistant United States Attorney, Carmen Ortiz, who hereby move that this Honorable Court allow their joint request to amend the pretrial motion briefing schedule that was established in the Report and Order on Further Final Status Conference on September 14, 2004. In particular, the parties request that the government file its initial opposition, which is presently scheduled for November 15, 2004, on or before December 3, 2004 and that the defendant be permitted file his reply brief, which is currently scheduled to be filed on or before December 1, 2004, on or before January 14, 2005 for the reasons set forth below:

1. The defendant has filed his motions to suppress and exclude documentary evidence in conformity with the previously established briefing schedule;
2. these motions contend that various documents in the possession of the government should be suppressed because of the defendant's attorney-client and work-product privileges;
3. the government intends to oppose the documentary suppression motion in part because of the crime-fraud exception to the attorney-client privilege but needs additional

time to support its position through affidavits, including one from attorney Elliot D.

Lobel who is counsel for the defendant's prior tax representative and is currently in India;

4. the defendant's response to the government's invocation of the crime-fraud exception to the attorney-client and work product privileges will be similar in content to arguments that will be relied on in support of his motions to suppress testimonial evidence which are scheduled to be filed on January 14, 2005; and

5. that the government has no objection to the defendant's reply brief regarding the motion to suppress documentary evidence being filed contemporaneous with the motions to suppress testimonial evidence on or before January 14, 2005.

The parties therefore request that this Honorable Court adopt an amended briefing schedule which will require the government to file its opposition to the defendant's previously filed motions to suppress documentary evidence on or before December 3, 2004, the defendant to file his reply to the government's opposition on or before January 14, 2005 and, in all other respects, the parties will file their briefs and oppositions in accord with paragraph 7(b) of the Report and Order on Further Final Status Conference entered on September 14, 2004, by Magistrate Judge Alexander.

Respectfully submitted,
BY THEIR ATTORNEYS,

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CERTIFICATE OF SERVICE

I, Martin G. Weinberg, hereby certify that I have served one copy of the foregoing motion via-first class mail upon Carmen Ortiz, Assistant United States Attorney, Moakley United States Courthouse, One Courthouse Way, Boston, MA 02210 on this 12th day of November, 2004.

/s/ Martin G. Weinberg